

**CLAIMS**

**Please amend the claims as follows:**

1. (Currently Amended) A digital camera comprising:
  - a photographing component for photographing a subject;
  - a setting component for setting whether a generation of an intermediate image is to be carried out, and for setting a resolution of an original image, so that if the generation of the intermediate image is to be carried out, the setting component sets a resolution of the intermediate image based on a set resolution of the original image;
    - an intermediate image generating component for generating, when the intermediate image generation is set by the setting component, the intermediate image for verifying a state of focus, having [[a]] the resolution which is between a resolution of [[an]] the original image and a resolution of a thumbnail image; and
    - a storage component for storing an original image photographed by the photographing component and, if generated, the generated intermediate image,
      - wherein, when the set resolution of the original image is changed to a new set resolution, the setting component automatically changes the resolution of the intermediate image based on the new set resolution of the original image.
2. (Previously Presented) The digital camera of claim 1, wherein the setting component sets a size of the intermediate image to be generated.
3. (Previously Presented) The digital camera of claim 1, wherein a size of the intermediate image is approximately 1/3 the size of the original image.
4. (Currently Amended) The digital camera of claim 1, wherein the setting component further sets whether [[or not]] a generation of a thumbnail image is to be carried out,
  - wherein a thumbnail image generating component, for generating the thumbnail image when thumbnail image generation is set by the setting component, is disposed, and
  - wherein the storage component stores, if generated, the generated thumbnail image.
5. (Previously Presented) The digital camera of claim 4, wherein a setting component

sets a size of the thumbnail image to be generated.

6. (Original) The digital camera of claim 4, wherein the thumbnail image is generated by sampling pixels at predetermined intervals.

7. (Original) The digital camera of claim 4, wherein the thumbnail image is generated using an image reduction algorithm.

8. (Currently Amended) A photographing system comprising:  
a digital camera; and  
a machine-readable medium encoded with a set of medium-readable instructions for use on a personal computer,  
wherein the digital camera includes:

a photographing component for photographing a subject;  
a setting component for setting whether a generation of an intermediate image is to be carried out, and for setting a resolution of an original image, so that if the generation of the intermediate image is to be carried out, the setting component sets a resolution of the intermediate image based on a set resolution of the original image;

an intermediate image generating component for generating, when intermediate image generation is set by the setting component, the intermediate image, to verify a state of focus, having [[a]] the resolution between a resolution of [[a]] the original image and a resolution of a thumbnail image;

a storage component for storing an original image photographed by the photographing component and the generated intermediate image; [[and]]

a communicating component for communicating with the personal computer,  
wherein the personal computer is used to set the setting component via the communicating component, and

wherein, when the set resolution of the original image is changed to a new set resolution, the setting component automatically changes the resolution of the intermediate image based on the new set resolution of the original image.

9. (Previously Presented) The photographing system of claim 8, wherein the setting

component sets a size of the intermediate image to be generated.

10. (Previously Presented) The photographing system of claim 8, wherein a size of the intermediate image is approximately 1/3 the size of the original image.

11. (Previously Presented) The photographing system of claim 8, wherein the setting component sets whether a generation of a thumbnail image is to be carried out, wherein a thumbnail image generating component, for generating the thumbnail image when thumbnail image generation is set by the setting component, is disposed in the digital camera, and

wherein the storage component stores the generated thumbnail image.

12. (Previously Presented) The photographing system of claim 11, wherein the setting component sets a size of the thumbnail image to be generated.

13. (Original) The digital camera of claim 11, wherein the thumbnail image is generated by sampling pixels at predetermined intervals.

14. (Currently Amended) A method for photographing with a digital camera, the method comprising:

photographing a subject;

determining whether or not a generation of an intermediate image is set to be carried out;

setting a resolution of an original image, so that if the generation of the intermediate image is to be carried out, setting a resolution of the intermediate image based on a set resolution of the original image;

generating [[an]] the intermediate image for verifying a state of focus, having [[a]] the resolution between a resolution of [[an]] the original image and a resolution of a thumbnail image when the intermediate image generation is set; [[and]]

storing the photographed original image and, if generated, the generated intermediate image, and

wherein, when the set resolution of the original image is changed to a new set

resolution, the resolution of the intermediate image is automatically changed based on the new set resolution of the original image.

15. (Previously Presented) The method for photographing with a digital camera of claim 14, further comprising: setting a size of the intermediate image to be generated is set in setting whether or not generation of an intermediate image is to be carried out.

16. (Previously Presented) The method for photographing with a digital camera of claim 14, wherein a size of the intermediate image is approximately 1/3 the size of the original image.

17. (Previously Presented) The method for photographing with a digital camera of claim 14, wherein in determining whether or not generation of an intermediate image is set to be carried out, whether or not generation of a thumbnail image is to be carried out is set, wherein the thumbnail image is generated when thumbnail image generation is set in setting whether or not generation of an intermediate image is to be carried out, and wherein the generated thumbnail image is stored in storing the photographed original image and the generated intermediate image.

18. (Previously Presented) The method for photographing with a digital camera of claim 17, wherein a size of the thumbnail image to be generated is set in setting whether or not generation of an intermediate image is to be carried out.

19. (Original) The method for photographing with a digital camera of claim 17, wherein the thumbnail image is generated by sampling pixels at predetermined intervals.

20. (Original) The method for photographing with a digital camera of claim 17, wherein the thumbnail image is generated using an image reduction algorithm.

### **STATEMENT OF SUBSTANCE OF THE INTERVIEW**

As a preliminary matter, Applicant's representative would like to thank the Examiner for courtesies extended in the personal interview conducted on December 4, 2008.

An Examiner's Interview Summary Record (PTOL-413) was provided by the Examiner at the interview on December 4, 2008.

Applicant submits this Statement to comply with the requirements of M.P.E.P. '713.04.

In the interview, the following was discussed:

**A. Identification of claims discussed:**

Claims 1-20.

**B. Identification of prior art discussed:**

Anderson (US Patent No. 5,973,734)

Yamagishi e al. (US Patent No. 6,968,118)

**C. Identification of principal proposed amendments:**

None.

**D. Brief Identification of principal arguments:**

Applicant's representative discussed the Examiner's rejections. Applicant's representative also described the devices in Anderson and Yamagishi, and argued that the alleged references, even if combined, do not teach or suggest the claimed invention.

The Examiner discussed the references in turn, and stated that the screenail image 608 of Anderson is similar to the claimed intermediate image, and can be used for focusing purposes. The Examiner reiterated that the intended use of the image (i.e., verifying a state of focus) does not have a patentable weight.

Regarding the claimed setting component, the Examiner reaffirmed his position that Yamagishi teaches whether or not a reduced image should be generated in a camera, and a combination of Anderson and Yamagishi teaches all the limitations in the independent claims.

Furthermore, Applicant's representative discussed a resolution of 1/3 of the original image for the intermediate image, and discussed the benefits that can be achieved by such setting.

In response, the Examiner referred to column 6, lines 28-44 of Anderson, and stated that the reference teaches choosing different resolutions for screenmail image 608. The Examiner, further stated that the 1/3 ratio is covered by Anderson's teachings, based on routine experimentation, and since the specification of the present Applications does not specify that the 1/3 ratio is critical, the proposed limitation does not have a patentable weight.

Moreover, Applicant's representative discussed different features of the present invention and the Examiner provided his view of the novelty of the features based on the alleged prior art references. The Examiner stated that amending the independent claims to recite conditional limitations for the claimed setting or functional limitations for verifying focus may overcome the present rejection.

**E. Results of the Interview:**

The Examiner reaffirmed his position in rejecting the claims and stated that the arguments presented are not persuasive.

The Examiner stated that amending the independent claims to recite conditional limitations for the claimed setting or functional limitations for verifying focus may overcome the present rejection.

**F. Conclusion:**

Applicant's representative argued that the devices in Anderson and Yamagishi, even if combined, do not teach or suggest the claimed invention.

The Examiner reaffirmed his position in rejecting the claims and stated that the arguments presented are not persuasive.

The Examiner stated that amending the independent claims to recite conditional limitations for the claimed setting or functional limitations for verifying focus may overcome the present rejection.